

Regular Session, 2009

HOUSE BILL NO. 781

BY REPRESENTATIVES HINES, ABRAMSON, ARMES, AUBERT, BARRAS, BARROW, BILLIOT, BROSSETT, DANAHAY, DIXON, GISCLAIR, HENDERSON, HOWARD, GIROD JACKSON, ROSALIND JONES, KATZ, LAFONTA, PETERSON, RICHARD, RICHMOND, RITCHIE, GARY SMITH, ST. GERMAIN, STIAES, WADDELL, WILLIAMS, AND WILLMOTT

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

HOMELESS: Creates the program for homeless assistance and prevention, the position of a director for homeless assistance and prevention, and the Louisiana Interagency Council for the Homeless

1 AN ACT

2 To amend and reenact R.S. 36:801(introductory paragraph) and to enact R.S. 36:474(H) and
3 478(L) and Chapter 63-A of Title 46 of the Louisiana Revised Statutes of 1950, to
4 be comprised of R.S. 46:2803 and 2804, relative to the Louisiana Homeless
5 Assistance and Prevention Act; to create the program for homeless assistance and
6 prevention within the Department of Social Services; to provide for the position of
7 a director for homeless assistance and prevention and to provide for his duties; to
8 create the Louisiana Interagency Advisory Council for the Homeless and place it
9 within the Department of Social Services; to provide for the council's purpose; to
10 provide for membership; to provide for governance of the council and compensation
11 of the members; to provide for staffing and facilities; to provide for reporting
12 requirements; and to provide for related matters.

13 Be it enacted by the Legislature of Louisiana:

14 Section 1. R.S. 36:801(introductory paragraph) is hereby amended and reenacted and
15 R.S. 36:474(H) and 478(L) are hereby enacted to read as follows:

16 §474. Powers and duties of the secretary of the Department of Social Services

17 * * *

1 H. The program for homeless prevention and assistance shall be placed in
2 the executive office of the secretary. The secretary shall appoint a director, which
3 position shall be responsible for and perform the services and functions of the state
4 relating to the program for homeless prevention and assistance as further provided
5 in R.S. 46:2803.

6 * * *

7 §478. Transfer of agencies and functions to Department of Social Services

8 * * *

9 L. The Louisiana Interagency Advisory Council for the Homeless (R.S.
10 46:2804) is transferred to and hereafter placed within the Department of Social
11 Services and shall exercise and perform its powers, duties, functions, and
12 responsibilities in the manner provided for agencies transferred in accordance with
13 the provisions of R.S. 36:801.

14 * * *

15 §801. Transfer; retention of functions

The agencies transferred by the provisions of R.S. 36:4.1(B), ~~R.S. 36:53(A), R.S. 36:409(B), R.S. 36:459(D), R.S. 36:478(K), and (L), R.S. 36:509(K), R.S. 36:610(K), and R.S. 36:651(C)~~ shall continue to be composed and selected as provided by law; each agency shall continue to exercise all powers, duties, functions, and responsibilities provided or authorized for each by the constitution or laws which are in the nature of policymaking, rulemaking, licensing, regulation, enforcement, or adjudication and also shall continue to exercise all advisory powers, duties, and functions provided by law; each agency shall continue to administer and implement all programs provided or authorized for each by law which relate to rulemaking, licensing, regulation, enforcement, and adjudication; each agency shall continue to be governed by the Administrative Procedure Act, in its entirety, including provisions relative to adjudication proceedings, unless otherwise specifically provided by law; the executive head of each such agency shall employ, appoint, remove, assign, and promote such personnel as is necessary for the efficient

1 administration of such powers, duties, functions, and responsibilities and for the
2 administration and implementation of such programs, in accordance with applicable
3 civil service laws, rules, and regulations, and with policies and rules of the
4 department to which the agency is transferred, and subject to budgetary control and
5 applicable laws; except as specifically provided in Paragraphs (1), (2), and (3) ~~below~~
6 of this Section. The agencies transferred as provided in this Section shall exercise
7 the powers, duties, functions, and responsibilities and shall administer and
8 implement the programs authorized in this Section independently of the secretary,
9 the undersecretary, and any assistant secretary, except that:

10 * * *

11 Section 2. Chapter 63-A of Title 46 of the Louisiana Revised Statutes of 1950,
12 comprised of R.S. 46:2803 and 2804, is hereby enacted to read as follows:

13 CHAPTER 63-A. LOUISIANA HOMELESS ASSISTANCE AND PREVENTION

14 ACT

15 §2803. Office for homeless assistance and prevention; creation

16 A. There is hereby established within the Department of Social Services, a
17 program for homeless assistance and prevention.

18 B. The program shall be placed within the office of the secretary and shall
19 be staffed by a director for homeless assistance and prevention, hereafter referred to
20 as "director" and who shall be appointed by the secretary of the Department of Social
21 Services. The director shall serve as the state's point person in combating
22 homelessness and shall be tasked with:

23 (1) Advising the governor and legislature on policy to prevent and reduce
24 homelessness in Louisiana.

25 (2) Working with applicable federal, state, and local agencies to ensure the
26 proper implementation of policies to assist the prevention and reduction of
27 homelessness.

28 (3) Working to increase as well as coordinate existing federal, state, and
29 private resources for affordable housing throughout the state.

1 (4) Prioritizing and coordinating funding to implement support services for
2 the homeless.

3 (5) Monitoring, assessing, and tracking Louisiana's ten year plan to reduce
4 homelessness and identifying strategies that have shown evidence to produce results
5 in other states.

6 (6) Working with local community leaders statewide to prevent and reduce
7 homelessness.

8 C. The director shall meet at least quarterly with the Louisiana Interagency
9 Advisory Council for the Homeless as provided for in this Chapter and shall consider
10 its recommendations in the execution of his duties.

11 §2804. Louisiana Interagency Advisory Council for the Homeless; creation

12 A. There is hereby established the Louisiana Interagency Advisory Council
13 for the Homeless within the Department of Social Services, hereafter referred to as
14 "council", which shall exercise and perform its powers, duties, functions, and
15 responsibilities in the manner provided for agencies transferred in accordance with
16 the provisions of R.S. 36:801.

17 B. The purpose of the council shall be to study evidence-based practices
18 aimed at reducing and preventing homelessness and to recommend a ten-year
19 comprehensive strategy to reduce homelessness. The council shall work closely with
20 the director to implement the recommendations for the ten-year strategy.

21 C. The council shall be composed of the following members:

22 (1) The secretary of the Department of Social Services or his designee.

23 (2) The secretary of the Louisiana Workforce Commission or his designee.

24 (3) The secretary of the Department of Health and Hospitals or his designee.

25 (4) The secretary of the Department of Economic Development or his
26 designee.

27 (5) The superintendent of the Department of Education or his designee.

28 (6) The speaker of the House of Representatives or his designee.

29 (7) The president of the Senate or his designee.

1 (8) The president of the Louisiana Housing Finance Agency or his designee.

2 (9) Two representatives of local government agencies.

3 (10) Two representatives of local advocacy groups for populations which are
4 affected by homelessness.

5 (11) Five representatives of providers of services to the homeless.

6 D. Members of the council shall be appointed by the governor upon the
7 recommendation of the director and shall serve for three-year terms. As near as
8 practicable, members of the council shall be representative of the diversity of the
9 targeted communities and shall have a proven track record in addressing the
10 challenges of affordable housing.

11 E. Members of the council shall serve without compensation.

12 F. The council shall adopt such rules and procedures as it shall find
13 necessary for the conduct of the activities and meetings of the council. No action
14 shall be taken by the council except by a favorable vote of a majority of the
15 members.

16 G. The Department of Social Services shall provide the staff and facilities
17 needed by the council to accomplish its tasks.

18 H. The council shall meet at least quarterly with the director to present
19 current findings and recommendations for reducing and preventing homelessness.
20 The council shall work with the director to summarize these findings in a report to
21 be submitted annually no later than February first to the governor, the speaker of the
22 House of Representatives, the president of the Senate, the chair of the House
23 Committee on Health and Welfare, and the chair of the Senate Committee on Health
24 and Welfare. Each annual report should discuss Louisiana's ten-year strategy to
25 reduce homelessness, the progress the state has made in implementing the ten-year
26 strategy, and recommendations for the following year. The director shall then work
27 with the council, the office of the governor, and the legislature to implement the
28 findings and recommendations of each annual report.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Hines

HB No. 781

Abstract: Provides for the La. Homeless Assistance and Prevention Act. Creates the program for homeless assistance and prevention within the Dept. of Social Services and establishes the position of director for homeless assistance and prevention. Creates the La. Interagency Advisory Council for the Homeless and provides for its membership and purpose.

Proposed law provides for the La. Homeless Assistance and Prevention Act. Creates the program for homeless assistance and prevention within the Dept. of Social Services (DSS) under the office of the secretary.

Proposed law creates a position within the office of the homeless assistance and prevention within the office of the secretary to be called the director of homeless assistance and prevention ("director"), to be appointed by the secretary of DSS. Proposed law provides that the director shall serve as the governor and legislature's primary policy advisor on issues regarding the homeless and shall oversee the coordination of resources that pertain to homelessness. Proposed law further provides that the director shall meet quarterly with the La. Interagency Advisory Council.

Proposed law creates the La. Interagency Advisory Council within DSS. Proposed law further provides how the council shall exercise and perform its powers, duties, functions and responsibilities in accordance with present law.

Proposed law provides that the purpose of the council shall be to study evidence-based practices aimed at reducing and preventing homelessness and to recommend a ten-year comprehensive strategy to reduce homelessness.

Proposed law provides membership to be composed of the following:

- (1) The secretary of DSS or his designee.
- (2) The secretary of the La. Workforce Commission or his designee.
- (3) The secretary of the Dept. of Health and Hospitals or his designee.
- (4) The secretary of the Dept. of Economic Development or his designee.
- (5) The superintendent of the Dept. of Education or his designee.
- (6) The speaker of the House of Representatives or his designee.
- (7) The president of the Senate or his designee.
- (8) The president of the La. Housing Finance Agency or his designee.
- (9) Two representatives of local government agencies.
- (10) Two representatives of local advocacy groups for populations which are affected by homelessness.

(11) Five representatives of providers of services to the homeless.

Proposed law provides that members shall be appointed by the governor upon recommendation by the czar and shall be appointed for three-year terms. Members shall serve without compensation.

Proposed law requires the DSS to provide staff and facilities for the council.

Proposed law requires the council to work with the director to submit annual reports including the status of the implementation of the ten-year strategy to prevent and reduce homelessness and their recommendations for the following year. The council shall submit the annual report to the governor, the speaker of the House of Representatives, the president of the Senate, the chair of the House Health and Welfare Committee, and the chair of the Senate Health and Welfare Committee. Proposed law requires the director to work with the council, the office of the governor, and the legislature to implement the findings and recommendations of the annual report.

(Amends R.S. 36:801(intro.para.); Adds R.S. 36:474(H) and 478(L) and R.S. 46:2803 and 2804)

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Health and Welfare to the original bill.

1. Changes the title of the new position from "homeless czar" to "director for homeless assistance and prevention".
2. Changes the number of provider representatives on the Interagency Advisory Council for the Homeless from three to five.